IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7907 OF 2004

Exora Enterprises Petitioner

versus

Authorized Officer & Assistant Commissioner, Food and Drug Administration and another Respondents

Mr.Paul I. Poulose i/by Sanjay Udeshi & Co; adv. for petitioner.

Mr.V.P.Malvankar, AGP for respondents.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 16th October 2004

PC :

1. Heard advocates.

2. Learned AGP fairly conceded that the question as to whether the petitioner can claim benefit of Rule 66 of the Drug & Cosmetics Rules, 1945 is not considered by the Licensing authority. The learned AGP stated that the Licensing authority will consider applicability of Rule 66 and pass appropriate order within a period of eight weeks from today after giving an opportunity of personal hearing to the petitioner.

3. The impugned order dated 24th August 2004 is quashed and set aside and the matter is remanded back to the Licensing authority for considering petitioner's case under Rule 66 of Drug & Cosmetics Rules, 1945

4. In case the order of Licensing authority is adverse to the petitioner, the same will not be implemented for a period of four weeks from the date of it's communication to the petitioner.

5. Petition is accordingly disposed of. Parties to act on authenticated copy.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)